## **ORDINANCE 90-2**

## AMICALOLA ELECTRIC MEMBERSHIP FRANCHISE

An ordinance granting permission and consent to Amicalola Electric Membership, its successors, lessees and assigns, to occupy the streets and public places of the City of Dahlonega in constructing, maintaining, operating and extending poles, lines, cables, equipment and other apparatus for transmitting and distributing electricity, and for other purposes.

SECTION I. Be it ordained by the governing authority of the City of Dahlonega (hereafter referred to as the "City") that the authority, right, permission and consent are hereby granted to Amicalola Electric Membership, its successors, lessees and assigns (hereafter referred to as the "Company"), for a period of thirty five (35) years, to occupy and use the streets, alleys and public places of the City within the present and future limits of the said City as from time to time the Company may deem proper or necessary for the overhead or underground construction, maintenance, operation and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying, and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys and public places from time to time as it may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the Company, to insure safe and efficient service.

SECTION II. Be it further ordained that the rights, permission and consents herein contained are made for the following considerations and upon the following terms and conditions, to-wit:

- 1. The Company shall pay into the treasury of the City (a) on or before the first day of March 1991 a sum of money equal to four (4%) of the gross sales of electric energy to customers served under residential and commercial rate schedules (as prescribed by the Georgia Public Service Commission) within the corporate limits of the City during the year 1990 and four percent (4%) of the gross sales of electric energy to customers served under industrial rate schedules (as so prescribed) within the corporate limits of the City during the period July 1-December 31, 1990, and (b) on or before the first day of March of each year thereafter during the term of this franchise a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential, commercial and industrial rate schedules (as so prescribed) within the corporate limits of the City during the preceding calendar year, on condition that, in the event the City shall grant to any other entity the right to use and occupy its streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.
- 2. The amount, if any, of any tax, fee, charge or imposition of any kind required, demanded or exacted by the City on any account,

other than ad valorem taxes on property and license taxes on the sale of home appliances, shall operate to reduce to that extent the amount due from the percentage of gross sales above provided for.

- 3. The Company shall fully protect, indemnify and save harmless the City from all damages to person or property caused by the construction, maintenance, operation or extension of poles, wires or other apparatus, or conditions of streets, alleys or public places resulting therefrom, for which the said City would otherwise be liable.
- 4. The Company shall, in constructing, maintaining, operating and extending its poles, wires and other apparatus, submit and be subject to all reasonable exercises of the police power by the City. Nothing contained herein, however, shall require the Company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private or governmental.

SECTION III. Be it further ordained that the Company shall, within ninety days from the approval of this ordinance, file its written acceptance of the same with the Clerk of said City, so as to form a contract between the parties.

SECTION IV. Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the parties, in conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

IT IS SO ORDAINED THIS 2<sup>nd</sup> DAY OF JULY, 1990, THE ORDINANCE TO BECOME EFFECTIVE ON THE FIRST DAY OF AUGUST, 1990.

Murl Jones, Mayor City of Dahlonega

ATTEST:

City Clerk: Janet Jarrard